



STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>
Phone: 608-266-2112

Governor Scott Walker Secretary Dave Ross

Positions Statements Related to Certified Advanced Practice Social Workers Issued by the Joint Board of Marriage & Family Therapy, Professional Counseling and Social Work

LICENSED CLINICAL SOCIAL WORKER (LCSW)

1. I have a Clinical Social Work license from another state. Will this transfer to Wisconsin?

A clinical license may be granted through reciprocity *if* your state's requirements or your experience are substantially equivalent to the requirements for Wisconsin. Some states grant clinical credit for types of supervised practice that Wisconsin rules do not view as having a clinical focus. See application for details or contact the Department for more information.

2. If my MSW did not have a clinical focus, can I still obtain an LCSW?

Yes, though you may need to take additional coursework (a course in Psychopathology in Social Work and two other clinical courses are required), and an additional 1500 hours of supervised post-graduate clinical practice can substitute for a clinical field placement.

3. What sort of work experience will count towards the 3000 hours?

Clinical Social Work practice experience counts toward the 3000 hrs when an applicant:

- Has received an MSW degree and the APSW or temporary APSW certification;
- Is providing primary mental health treatment, including psychotherapy, for a client using the DSM-IV to assess, diagnose, and treat persons with mental disorders;
- The applicant performs 3000 total work hours, including 1000 hours of face to face clinical social work with clients
- In no less than 2 years.

Clinical settings may include: Outpatient Mental Health Clinics, Inpatient Psychiatric hospitals or treatment facilities, and some Intensive In-home facilities.

Ref. are MPSW 2.01 (8), 3.09 (3), 3.19 (2), Wis. Admin. Code.

4. As a LCSW, am I able to practice clinical social work and bill for services even if I'm not practicing in a State Licensed Mental Health Clinic?

A clinical social worker license is an independent license, which provides the ability to work in a state-certified clinic or private practice. Additionally, the Vendorship/Mental Health Access Bill approved in 2009 mandates insurance coverage of mental health services in Wisconsin. For more information on the impacts of this Bill, please see the FAQ provided by the NASW WI.

5. Are fees or fee disputes for psychotherapy services regulated by the State of Wisconsin?

No. Fees or fee disputes are not regulated or mediated by the Board. However, all clinicians are required to have a grievance procedure in place and to provide copies of that procedure to clients. Clinicians who fail to implement a grievance procedure or whose actions result in action taken by other regulatory agencies for unethical or illegal billing practices, (such as a conviction for Medicaid Fraud), could also be subject to disciplinary action by the Board.

6. Can licensees treat AODA clients?

Mental health professionals (social workers, marriage and family therapists, and professional counselors) can provide primary treatment of persons with a diagnosis of substance dependency or abuse **only if they also hold AODA certification as certification as stipulated in [Stat.](#)**

[440.88](#) or by meeting the qualifications of an AODA specialty as required by the board under [MPSW 1.09](#), Wis. Admin. Code.

Any credential holder may prepare a client for substance dependence treatment by referral, may continue to work with a client until a referral for dependence treatment is completed, may continue to work with the non-AODA issues of a person who had been referred for dependence treatment, and may continue to treat a client who is in recovery following treatment for substance dependence. ([Stat. 457.02\(5m\)](#))

7. Does the Vendorship, Act 28 Law change the requirements for AODA licensing requirements for mental health therapists?

No. The bill addresses the issue of providing services outside of a DHS clinic. It does not alter the licensure requirements for providing AODA services.

8. Are social workers required to carry malpractice insurance?

Clinical social workers, MFT's, and professional counselors are required to have professional liability insurance. Exceptions exist for licensees employed in federal, state or local governmental agencies who only work for those agencies. These requirements are outlined in s.

[457.24](#), Stat. and s. [MPSW 1.10](#), Wis. Admin. Code.

SOCIAL WORK – GENERAL CREDENTIALING

What levels of social work practice are licensed by the Department of Safety and Professional Services? How are they different?

A [certified social worker](#) [CSW] is a person who holds a BA or MA in Social Work and is certified by the Department of Safety and Professional Services. A certified social worker may not engage in psychotherapy.

An [advanced practice social worker](#) [CAPSW] is a person who holds an MA or Ph.D. in Social Work and is certified by the Department of Safety and Professional Services. An advanced practice social worker may engage in psychotherapy if properly supervised.

A [certified independent social worker](#) [CISW] is a person who holds an MA or Ph.D. in social work, who has completed two (2) years of supervised social work practice and is certified by the Department of Safety and Professional Services. A certified independent social worker may engage in psychotherapy if properly supervised.

A [licensed clinical social worker](#) [LCSW] is a person who holds an MA or Ph.D. in social work, with a clinical social work concentration, who has received supervised clinical field training and completed a supervised practice regimen that is licensed by the Department of Safety and Professional Services. A licensed clinical social worker may engage in psychotherapy without supervision.

s. [MPSW 6](#), Wis. Admin. Code provides more detail on these four classifications.

Who must be licensed or certified?

As per s. [457.04\(4\)](#), Stat., individuals who must be licensed or certified include:

- Anyone who uses the title “Social Worker”, in any form
- Anyone who uses the titles, “Certified Social Worker”, “Advanced Practice Social Worker”, “Certified Independent Social Worker”, or “Licensed Clinical Social Worker”
- Anyone who or represents himself/ herself to the public as a social worker.
- Anyone who practices clinical social work.
- Persons providing psychotherapy services must hold a credential that will allow them to provide those services. Appropriate credentials within the profession of social work include: LCSW, APSW, CISW. Credentials from professions other than Social Work that can provide psychotherapy services include: LPC, MFT, Clinical Psychologist, and Psychiatrist. Members of the clergy, Christian Science practitioners, and licensed professionals such as physicians, nurses, psychologists, counselors and attorneys do not require social work credentialing – provided they **do not represent themselves to the public by any title or description of services as being social workers**. State employees with the job classifications of family service worker or social service worker are also exempt from licensure. These exemptions are outlined in s. [457.02](#), Stat.

How can I get licensed as a school social worker?

Information regarding school social workers can be obtained by contacting the Department of Public Instruction. Their web page is located at: <http://dpi.wi.gov/sspw/socialwork.html>

In order to work in Wisconsin public schools as a school social worker, it is necessary for the individual to be certified as a school social worker by the Department of Public Instruction.

Certification requires a master's degree in social work and a statement from a DPI-approved school social work preparation program that the candidate has met all necessary requirements as delineated in the DPI administrative rules (PI 34).

Can I get a license or certification if I've been convicted of a crime?

There is no simple answer to this question.

All professions are subject to the state law (sections [111.321](#), [111.322](#) and [111.335](#), Stats.) that prohibits discrimination against applicants based on conviction records unless convictions are substantially related to the practice of the profession. The phrase “substantially related” is interpreted broadly in order to protect the public, especially in health service professions where licensees interact with vulnerable populations, so convictions that involved harm to others or that suggest an impaired ability to perform licensed duties will probably be considered to be substantially related to the practice of the profession. For example, persons convicted of felony sexual assault are typically unable to obtain a credential.

It is common for a board to ask the applicant to appear in person, to explain the circumstances of his or her conviction record and to discuss the person's development since the offense(s). Once it evaluates all the information submitted by the applicant, including any in-person interview, the board then has wide discretion to grant or deny the application. This is why it's very difficult to provide a simple answer to this question. Being denied for a license would not prevent a person from applying again later.

An additional consideration is that, even though an applicant may be granted a license, certain employment opportunities may be unavailable to persons with criminal records. For example, under the “caregiver law”, some convictions require post-conviction DHS Rehabilitation Review prior to working in a DHS licensed facility.

If I hold a credential and have a name or address change, what do I need to do?

Licensees who need to change a name or address may do so online at <http://drl.wi.gov/drl/drlhome/login.jsp>.

New applicants or pending applicants are unable to change their name and address online. Please email the department at dsps@wisconsin.gov and provide your application ID number, profession applied for and the changes.

I was recently married. Do I have to change my professional name to my married name?

No.

Are social workers required to carry malpractice insurance?

Clinical social workers, MFT's, and professional counselors are required to have professional liability insurance. Social workers who do not provide clinical services should check with their employer or an attorney (?). Exceptions exist for licensees employed in federal, state or local governmental agencies who only work for those agencies. These requirements are outlined in s. [457.24](#), Stat. and s. [MPSW 1.10](#), Wis. Admin. Code.

SOCIAL WORK – ETHICAL PRACTICE

Does the Board have a Code of Ethics?

In the State of Wisconsin, the rules related to Unprofessional conduct can be found in the Administrative Code at [MPSW 20.02](#). These standards spell out the minimal requirements for safe, professional practice in the state, and violations of those rules can result in disciplinary actions against credential holders.

The profession of Social Work follows the Code of Ethics of the National Association of Social Workers. The NASW Code of Ethics is a guide to best practice, as opposed to standards for minimum practice. The link to NASW is: <http://www.socialworkers.org/>

How do I report unprofessional conduct by a social worker?

- 1) Print a copy of the [Complaint Form](#) and fill in the appropriate information.
- 2) If your complaint involves a health care profession, you may also print out the [Consent For Release of Information Form](#) and fill in the appropriate information. Completion of this form is voluntary.
- 3) Mail completed document(s) to: State of Wisconsin

Department of Safety and Professional Services
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

What obligations are there to report unprofessional conduct by another member of my own profession?

If you are the employer or supervisor of a professional who engages in unprofessional conduct, and you limit or restrict the practice of the professional, terminate the employment of the professional, or allow the professional to resign, you are required by Wisconsin law to report that information to the Department of Safety and Professional Services.

Any organization or individual that employs a social worker, marriage and family therapist, or professional counselor must report to the examining board any adverse or disciplinary action that terminates, suspends or restricts the credential-holder's employment. Per s. MPSW [20.02\(19\)](#), Wis. Admin code any violation of s. 457, Stat. is considered unprofessional conduct. Reporting requirements of supervisors and agencies are outlined in s. [457.25](#), Stat.

If you are not the employer or supervisor, there is no ethics rule that requires you to report unprofessional conduct by another member of your profession. However, you should be aware of the following:

If you have reasonable cause to suspect that a child you have seen in the course of your professional duties has been abused or neglected, you have an obligation to report it. (See s. [48.981](#), Stat. for details.)

If you have reasonable cause to suspect that an adult client you have seen in the course of your professional duties is a victim of sexual contact by a therapist, you must ask the client if s/he wants you to report it. (See section [940.22](#) of the Statutes for details.)

Even though you are not obligated to report unprofessional conduct by another, you are encouraged to report it by a grant of civil immunity: “any person who in good faith ... provides the department or any examining board ... with advice or information on a matter relating to the regulation of a person holding a credential is immune from civil liability”. (See section [440.042\(2\)](#) of the Statutes for details.)

As the member of a profession, you have a role in the regulation of the behavior of members of that profession. This is particularly true in Social Work, where members of the profession work to empower and support people who are vulnerable or who historically have been disempowered. The behavior of members of your profession reflects on all professionals who also hold that credential, and unprofessional behavior by members of your profession will make it more difficult for clients to trust persons in your profession. If the actions of another professional are harmful to clients, you have an obligation under professional social work ethics (though not a legal obligation under Wisconsin administrative rules) to report that conduct to the appropriate authorities.

If a client has filed an ethics complaint about a Social Worker with the Department of Health Services (DHS), can the same complaint be filed with the Department of Safety and Professional Services?

Yes:

- 1) Print a copy of the [Complaint Form](#) and fill in the appropriate information.
- 2) If your complaint involves a health care profession, you may also print out the [Consent For Release of Information Form](#) and fill in the appropriate information. Completion of this form is voluntary.
- 3) Mail completed document(s)
to: State of Wisconsin

Department of Safety and Professional Services
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

Is it permissible to accept gifts from clients?

This depends on the type of gift, its monetary value, and any expectations by the client associated with the gift. Usually, a social worker should decline all gifts of significant monetary or emotional value and strongly consider whether or not a smaller gift could blur the boundaries between the social worker and the client before accepting. If there is any perceived adverse risk to the client-therapist relationship, it is advisable not to accept the gift.

When the parents have joint custody, must both parents agree in order for a social worker to see a child - or can either parent bring a child in for therapy? If one parent brings a child in for therapy, is the social worker required to let the other parent know?

When parents have joint custody, generally the domiciliary parent can make medical and educational decisions for the child. If the domiciliary parent is not designated as the decision maker, both parents have the same decision making authority. A social worker should request a copy of any joint custody decrees or orders if he or she feels uncertain about this issue. Ideally, both parents should be informed and involved in a young child's therapy. There may also be situations when one parent's refusal to give consent for treatment may prevent a social worker from providing services to the child.

SOCIAL WORK – MANDATORY CHILD ABUSE REPORTING

I've become aware or suspect, through information obtained through professional contact within the scope of my practice, that a child has been abused or neglected. As a certified or licensed social worker, am I required to report this information to my County's Human Services Child Abuse reporting hotline?

YES. As a certified or licensed social worker, you are included as a mandatory reporter under s. [48.981\(2\)](#), Stat.

Failure to report is a violation of MPSW 20 and professionals could be subject to disciplinary action for failing to report.

I am aware through a social circumstance of a child that has been abused. As a licensed social worker, am I required to report this even though the information was not obtained through my practice?

No, information not obtained through your professional practice is not covered by the mandatory reporting requirement of s. [48.981\(2\)](#), Wis. Stat. However, societal and personal ethics may require that a professional take any steps necessary to protect the life and safety of those not able to protect themselves.

I reported a bad situation involving a child to the County authorities and nothing happened. Why should I keep reporting?

Social workers, professional counselors and marriage and family therapists are considered mandatory reporters of child abuse or suspected child abuse, under

§ [48.981](#), Wis. Stats. if this information is obtained during their professional practice. Once reported, law enforcement and the county department have obligations of their own. A specific allegation may not meet criteria for investigation, but county Human Services agencies are able to place a report in context with a complete family record, and are able to access confidential information from a state database which will help to place your report in context. Some types of reports may not be investigated by County authorities but still may be reported to law enforcement. It DOES matter that each allegation is reported.

Potential reporters should be aware that Child Protective Service workers are prohibited by law from revealing the identity of reporters. Whether the results of your referral are visible to an outsider or not, the referral is important and helpful.

SOCIAL WORK – REPORTING AND CONFIDENTIALITY

Through my practice I have become aware of criminal activity by one of my clients. Do the rules of confidentiality preclude reporting this to the authorities?

Under most circumstances, the answer is yes, per s. [MPSW 20.02 \(10\)](#), Wis. Admin code information received from a client in a professional capacity cannot be revealed. However, there are exceptions that apply to this rule, including the decision that disclosure is necessary to prevent injury to the client or another person. If a social worker becomes aware that a client poses an imminent threat to the safety of himself or others, this information should be reported to the appropriate law enforcement agency immediately.

When the parents have joint custody, must both parents agree in order for a social worker to see a child - or can either parent bring a child in for therapy? If one parent brings a child in for therapy, is the social worker required to let the other parent know?

When parents have joint custody, generally the domiciliary parent can make medical and educational decisions for the child. If the domiciliary parent is not designated as the decision maker, both parents have the same decision making authority. A social worker should request a copy of any joint custody decrees or orders if he or she feels uncertain about this issue. Ideally, both parents should be informed and involved in a young child's therapy. There may also be situations when one parent's refusal to give consent for treatment may prevent a social worker from providing services to the child.

SOCIAL WORK – CLINICAL PRACTICE

These questions are specific to persons providing clinical social work services, either with certification as an APSW or CISW (under the supervision of an LCSW, psychologist, or psychiatrist), or independently as a Licensed Clinical Social Worker. Persons holding the CSW or SWTC certifications are NOT able to provide clinical social work services.

1. Can an individual with a temporary certificate for advanced practice social work provide psychotherapy under supervision?

As provided through ss. [MPSW 6.02](#) and [MPSW 3.11](#), Wis. Admin. Code, individuals with a temporary certificate are able to practice within the full scope of practice of an advanced practice social worker, which includes the practice of clinical social work and psychotherapy if adequately trained and under the supervision of a professional as specified in Wis. Stats § 457.08(4)(c).

2. Are social workers required to carry malpractice insurance?

Clinical social workers are required to have professional liability insurance. Exceptions exist for credential holders employed in their credentialed capacity by federal, state or local governmental agencies. These requirements are outlined in s. [457.24](#), Stat. and s. [MPSW 1.10](#), Wis. Admin.

Code.

Revised: 10/23/2013